

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): James B. Loveland	Our File: 97171-00047
Patent No.: 6,816,819	Confirmation No. 1223
Issue Date: 11/09/2004	
App. No.: 09/386,270	
Title: Graphical Method and System for Modeling and Estimating Construction Parameters	

Decisions & Certificates of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUMMARY OF TELEPHONE COMMUNICATIONS WITH OFFICE

Sir:

This paper is being filed to summarize telephone discussions between the undersigned and the Office concerning the Certificate of Correction.

By way of background, on June 24, 2008, a Request for a Certificate of Correction was filed, and, on July 24, 2008, an entry for a Certificate of Correction was made on PAIR, but with an additional notation of denial. On July 30, 2008, the undersigned received a Denial of the Request. The Denial came in an envelope postmarked July 25, 2008, the Denial suggested it was in connection with Rule 322, the Denial included a first page that was hand marked "July 24, 2008," and the Denial included a second and third page with copies of 2 pages of prosecution history having the priority application hand-circled by the Office. The undersigned observes that PAIR does not include a complete scan with pages 2 and 3, and a copy of the three pages and postmarked envelope is attached as Exhibit A. On August 6, 2008, a second entry for a Certificate of Correction appeared on PAIR, but this time *without* an additional notation of denial. On September 2, 2008, a Certificate of Correction issued.

On or about July 30, August 25, August 27 and September 3, 2008, the undersigned spoke with the Corrections Branch about the Certificate of Correction, including Examiner Henry Randall, Ms. Mary Diggs, and Ms. Marietta Joyce. Applicant's initial call was to confirm a suspicion that the Denial itself had issued as an oversight - (1) the hand-circled priority application number was the very application number sought in the Request, and (2) the Request was not limited to Rule 322. The undersigned was told that the matter would be discussed after the file history was further reviewed, and the undersigned thereafter received a return call confirming that the Denial itself was an oversight and withdrawn, that a Certificate of Correction was being processed to issue, and that the August 6, 2008, entry on PAIR was indicative of withdrawal. The undersigned reiterated that charge of the deposit account was authorized for any underlying fault of the Applicant.

During the August 27, 2008, conversation, which was with the undersigned and Ms. Joyce, the undersigned communicated a preference to have a conventional "paper" document

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further confirming withdrawal of the Denial (and prior to any applicable time period for petition). Ms. Joyce stated that she would provide a paper shortly to such effect.

On September 3, 2008, the undersigned telephoned Ms. Joyce to confirm that a conventional paper was being prepared to further confirm withdrawal of the Denial. Ms. Joyce stated that she undertook effort to have the Certificate issue expeditiously for such purposes, and she noted that the Certificate of Correction had in fact issued the day prior on September 2, 2008. Ms. Joyce stated that the Certificate itself was a sufficient paper demonstrating withdrawal, that no additional paper was required for withdrawal, and that no petition was required.

If there are any questions or comments concerning above, the Office is invited to contact the undersigned. Thank you.

Respectfully submitted,



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Date

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EXHIBIT A



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

7/24/08

Patent No. :6816819
Inventor(s) : James B. Loveland
Issued : 11/9/2004
Title : GRAPHICAL METHOD AND SYSTEM FOR MODELING AND
ESTIMATING CONSTRUCTION PARAMETERS
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals that item [63] is printed in accordance with the record. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Cecelia Newman
Decisions & Certificates
of Correction Branch
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HR/CBN

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DETAILED ACTION

Introduction

1. Claims 1-22 of U.S. Application 09/386,270 filed on 08/31/1999 are presented for examination. This Application is a continuation of Application 08/991,148 filed 12/16/1997.

Priority

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:
2. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). This should appear as the first sentence of the specification following the title, preferably as a separate paragraph. The status of nonprovisional parent application(s) (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "now Patent No. _____" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "now abandoned" should follow the filing date of the parent application.

3. Applicant's attention is drawn to a typographical error on the "Utility Patent Application Transmittal" form. The prior application is listed on p.1 as being 09/991,148. Examiner assumes that applicant intended 08/991,148.

Drawings

4. The subject matter of this application admits to illustration by drawings to facilitate understanding of the invention. (See specifications pp.4,10-11). Applicant is required to furnish drawings under 37 CFR 1.81. No new matter may be introduced in the required drawings. Figures 1-9 are described in the specification, but are not present in the application. Applicant is requested to provide these figures.

Claim Interpretations

5. Examiner interprets "morphing" (See specification: p.13, lines 8-12) as being equivalent to "changing" and "altering".
6. Examiner interprets "chamber" and "room" as being equivalent to "polyhedral object" or "polyhedral model". (See specification: p.7, lines 9-20).
7. Examiner interprets "recalculating" as being equivalent to "revising"

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

Organization _____ Bldg./Room _____

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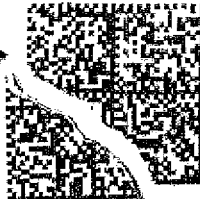
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